

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

VetBridge Product Development Subsidiary I
(NM-OMP), LLC,

Plaintiff,

v.

NewMarket Pharmaceuticals, LLC,

Defendant.

Civil Action No. 5:18-cv-06147-BCW

NewMarket Pharmaceuticals, LLC,

Third-Party Plaintiff,

v.

VetPharm, Inc.,

Third-Party Defendant.

**VETPHARM, INC.’S MOTION TO DISMISS THE
THIRD-PARTY COMPLAINT OR TO COMPEL ARBITRATION**

Third-party defendant VetPharm, Inc. (“VetPharm”) hereby moves the Court for an order, pursuant to Rules 9(b), 12(b)(2), 12(b)(6), and 14(a)(4) of the Federal Rules of Civil Procedure and Section 4 of the Federal Arbitration Act (9 U.S.C. § 4), dismissing the third-party complaint filed by defendant and third-party plaintiff NewMarket Pharmaceuticals, LLC (“NewMarket”) or compelling arbitration of NewMarket’s third-party claims. VetPharm relies on its suggestions in support of this motion, which are filed concurrently herewith.

Dated: April 29, 2019

Respectfully submitted,

TIEMAN, SPENCER & HICKS, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2019, I electronically filed the foregoing with the Clerk of the Court and that an electronic notice of filing and a copy of the foregoing will automatically be sent to all counsel of record in this matter via the Court's ECF filing system.

/s/ Lee C. Tieman

Lee C. Tieman